



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,274	11/30/2001	Robert Porter Cross	MUL-0005	6715

7590

11/20/2003

Peter R. Hagerty, Esq.
15 Waterford Drive
Westfield, MA 01085

EXAMINER

VU, JIMMY T

ART UNIT	PAPER NUMBER
----------	--------------

2821

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,274

Applicant(s)

CROSS ET AL.

Examiner

Jimmy T Vu

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

Art Unit: 2821

DETAILED ACTION

1. The allowance in Paper No. 5 was canceled. The Examiner decides to provide a Non-Final Rejection as below. The references have been incorporated to strengthen the examiner's position with respect to the LED light tube having the envelope, the base caps, the sockets, and the plurality of LED devices.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Timmermans (U.S. Patent Application Publication number US 2002/0060526 A1).

Regarding claim 1, Timmermans discloses a retrofit LED light tube (20) (Fig. 1, page 1, col. 2, lines 28-67) for replacing a fluorescent light tube in a troffer fixture, the LED retrofit light tube (20) comprising:

Art Unit: 2821

an elongated cylindrical transparent envelope (24) (Fig. 1, page 1, col. 2, lines 28-67);
a base cap (26, 28) (Fig. 1) at each end of the envelope, wherein the base cap (26, 28) comprises a first prong (44) and a second prong (44) (Fig. 4) extending from the base cap, wherein the first and second prongs (44) are adapted to electrically communicate with a fluorescent light sockets (40) (Fig. 4); and

at least one LED device in electrical communication with the base cap, wherein a positive terminal of the LED device is in electrical communication with the first prong and a negative terminal is in electrical communication with the second prong (Figs. 1-4, page 1, col. 2, lines 28-67).

It would have been inherent that the LED have positive and negative terminals, and the connection between the prongs and the terminals of the LED is well known in the art.

Regarding claim 2, Timmermans discloses a retrofit LED light tube wherein the LED device inherently comprises an organic light emitting diode.

Regarding claim 3, Timmermans discloses a retrofit LED light tube wherein the at least one LED device is connected in parallel to additional LED devices (page 2, col. 2, paragraph [0028], lines 31-41).

Regarding claim 4, Timmermans discloses a retrofit LED light tube further comprising a means (54) for protection against a voltage surge (page 2, col. 2, paragraph [0029], lines 42-45).

Art Unit: 2821

Regarding claim 5, Timmermans discloses a retrofit LED light tube wherein the means for protection against a voltage surge comprises a varistor positioned in parallel with the at least one LED device (Figs. 5 and 10, page 2, col. 2, paragraph [0029], lines 42-45).

Regarding claim 6, Timmermans discloses a retrofit LED light tube wherein the LED device comprises a circuit board (30) and plurality of LEDs serially connected to the circuit board (Fig. 1).

Regarding claim 8, Timmermans discloses a retrofit LED light tube wherein the at least one LED device is connected in series to a half wave rectifier (50) (Figs. 5 and 10).

Allowable Subject Matter

4. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the prior art teaches the retrofit LED light tube wherein the envelope comprises the first half and the second half, wherein the halves are complementary and adapted to form the envelope.

Art Unit: 2821

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bischoff et al, Atchinson et al and Lee et al disclosed related art.

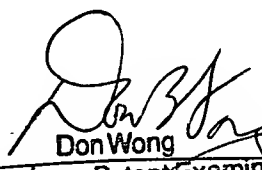
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy Vu whose telephone number is (703) 306-5451. The examiner can normally be reached on Monday to Friday from 9:00am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong, can be reached on (703) 308-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722 or (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.

Jimmy Vu

October 14, 2003


Don Wong
Supervisory Patent Examiner
Technology Center 2800